IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 6042 OF 2007

Ashutosh Laxman Panse & anr..... Petitioner

versus

Sau.Sangeeta Sureshchandra Deshmukh & ors. ..... Respondent.

Mr. A.P.Vanarse h/f. Smt. Samidha S.Dongre for the petitioner.

CORAM; A.P. DESHPANDE, J.
DATED; 21ST AUGUST, 2007

P.C.;

1. An order passed under section 23(2) of the Maharashtra Co-operative Societies Act directing the society to grant membership to the respondent no.1 passed by the Assistant Registrar has been confirmed by the Dnl.Joint Registrar by dismissing the revision filed by the present petitioners. The case of the present petitioners is that they are heirs of one Laxman Panse whose mother by name Shantibai Srikrishna Panse was member of the society and owner of the property in question. After her demise the present petitioners being the sons of pre-deceased son of Shantibai are co-owners of the property and have a share in it. Be as it may, the petitioner's grant-mother Shantibai had nominated the respondent no.1 as a nominee of the original member. As the

society did not act in pursuance of the nomination, proceedings came to be initiated under section 23(2) wherein the respondent no.1 succeeded. If the petitioners claim that they have share in the said property, it shall be for the plaintiff to approach appropriate Civil Court and establish their right and seek partition.

2. Perused the impugned order. The same only goes to direct the society to act on the nomination in favour of respondent no.1. No right, title or interest in the property stands vested in the respondent no.1 by the impugned order and it shall be for the Civil Court to determine and adjudicate the right, title and interest in the property in an appropriate proceedings to be initiated by the present petitioners,.

3. Perused the impugned order. It does not call for any interference in exercise of writ jurisdiction. Hence writ petition is summarily dismissed.

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